IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 19086 of 2005(V)

AGAINST THE ORDER IN IA 5919 & 5920/2004. IN
OPMV.395/1999 of ADDL.MOTOR ACCIDENT CLAIMS TRIBUNAL, THALASSERY

PETITIONER:

1. EPPACHAN. M.M., S/O. LATE KURIAN,
   AGED 33 YEARS.

2. ALEASE. M.K., D/O. LATE KURIAN,AGED 30 YEARS.

3. SHAJI. M.K., S/O. LATE KURIAN,AGED 28 YEARS.

4. BENNY M.K., S/O. LATE KURIAN,
   AGED 26 YEARS,
   ALL ARE RESIDING AT MATTATHINANY HOUSE
   P.O. KALANKI, ULIKKAL.

BY ADV. SRI.M.RAMESH CHANDER

RESPONDENTS:

1. PARAKANDY PAVITHRAN, S/O. RAGHAVAN
   CHELORE AMSOM, P.O. EACHOOR, KANNUR (VIA.).

2. KAUSALYA, W.S. HOUSE,
   P.O. CHIRACKAL, KANNUR (VIA).

3. UNITED INDIA INSURANCE CO.LTD.,
   THALASSERY.

4. RAJU. K. GEORGE, W/O. GEORGE,
   KARANAYIL HOUSE, P.O. NIRMALAGIRI,
   KUTHUPARAMBA.

5. THE NEW INDIA ASSURANCE CO.LTD.,
   ARISTOR COMPLEX, NEAR POST OFFICE, MAHE.

BY ADV. SRI.N.S.MOHAMMED USMAN
SRI.A.C.DEVY
SRI.MATHEW JOHN (K)
SRI.SUJESH MENON V.B.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1 TRUE COPY OF THE AFFIDAVIT ALONG WITH THE APPLN. FILED BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL, DTD. MAY 2005.

EXT.P2 TRUE COPY OF THE ORDER IN I.A.5919/04 AND 5920/04 IN OP(MV)395/99 OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL, DTD.15.2.2005.

TRUE COPY

P.A.TO JUDGE

css/

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 19086 of 2005

Dated this the 22nd day of June 2007

JUDGMENT

Ext.P2 is an order under which the Motor Accident Claims Tribunal refused to condone the delay of 1733 days caused in the matter of filing impleading application by the petitioners on the basis that they are also the legal heirs of the deceased first petitioner one Mariyam Kurian.

Having gone through Ext.P2, I am not able to say that exercise of discretion by the learned Tribunal in the matter of condonation of delay has been irregular or improper. I refuse to invoke the supervisory jurisdiction under Article 227 so as to interfere with Ext.P2. Obviously, the original petition for compensation has not abated in full. If it is the case of the present petitioners, that they are also sharers, nothing prevents them from seeking appropriate remedies against the persons in whose favour the award is passed.

Subject to the above observation, this writ petition is dismissed.

PIUS C. KURIAKOSE,

JUDGE.

Dpk